

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROMAN SUNDAY,

No. C 07-05308 SBA (PR)

Petitioner,

**ORDER GRANTING IN PART MOTION
FOR STATUS REPORT**

v.

Docket no. 35

D. K. SISTO, Warden,

Respondent.

Before the Court is Petitioner's motion for a status report regarding his opposition that was sent to the Ninth Circuit Court of Appeals. (Dkt. 35). This motion is granted, in part. The Court will summarize Petitioner's case in this Court, but cannot provide the status of his case in the Ninth Circuit.

With regard to Petitioner's case in the district court, on May 12, 2008, the Court issued an Order to Show Cause why the petition should not be granted, (Dkt. 4), and, on September 9, 2008, Respondent filed a motion to dismiss based on untimeliness, (Dkt. 6). After numerous extensions of time, on August 25, 2009, Petitioner filed an opposition. (Dkt. 16). On September 30, 2009, the Court issued an Order denying the motion to dismiss without prejudice. (Dkt. 19).

On January 29, 2010, Respondent filed a renewed motion to dismiss, (Dkt. 26), Petitioner filed an opposition, (Dkt. 27), Respondent filed a reply, (Dkt. 28), and Petitioner filed a response to the reply, (Dkt. 29). On September 9, 2010, the Court issued an Order granting the renewed motion

1 to dismiss and denying a certificate of appealability. (Dkt. 30). On September 20, 2010, judgment
2 was entered in favor of Respondent. (Dkt. 31).

3 The docket does not reflect an appeal of the Court's Order and Judgment to the Ninth Circuit
4 Court of Appeals.

5 This Order terminates Docket no. 35.

6 The Clerk shall send a copy of the docket of this case to Petitioner.

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8 IT IS SO ORDERED.

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10 Dated: 12/10/12


11 SAUNDRA BROWN ARMSTRONG
12 UNITED STATES DISTRICT JUDGE
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United States District Court
For the Northern District of California

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ROMAN SUNDAY,

5 Plaintiff,

6 v.

7 D.K. SISTO et al,

8 Defendant.
9 _____/

Case Number: CV07-05308 SBA

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on December 13, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Roman Sunday
16 California State Prison - Solano
17 V-11338
18 P.O. Box 4000
19 Vacaville, CA 95696-4000

20 Dated: December 13, 2012

21 Richard W. Wieking, Clerk
22 By: Lisa Clark, Deputy Clerk
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